



PUBLIC NOTICE

Federal Communications Commission
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DA 03-2061

Released: June 20, 2003

**WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES
“PERMIT BUT DISCLOSE” EX PARTE STATUS ACCORDED TO PROCEEDING
INVOLVING APPLICATION AND WAIVER REQUEST OF THE CITY OF
EL SEGUNDO, CALIFORNIA, TO OPERATE A PUBLIC SAFETY RADIO SYSTEM
USING SIX UHF PAGING CONTROL FREQUENCIES**

On December 10, 2002, the City of El Segundo (“El Segundo”) filed an application and associated request for waiver¹ of Section 22.621 of the Commission’s Rules, 47 C.F.R. § 22.621, to use six Part 22 paging control frequencies for a public safety radio system. In particular, El Segundo seeks to use the six frequencies, paired as follows: 506/509.075, 506/509.100, 506/509.125 MHz (the “Channels”) to support the operations of its police and fire officers.

Unless otherwise provided, applications and requests for waiver of the Commission's Rules are subject to treatment by the Commission as restricted proceedings for *ex parte* purposes under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Because of the policy implications and potential impact of this proceeding on persons not parties to the waiver request, we believe it would be in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules, *see* 47 C.F.R. §§ 1.1200(a), 1.1206. Therefore, subsequent to the release of this Public Notice, *ex parte* presentations that are made with respect to the issues involved in the subject Application and associated waiver request will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

Permit-but-disclose *ex parte* procedures permit interested parties to make *ex parte* presentations to the Commissioners and Commission employees and require that these presentations be disclosed in the record of the relevant proceeding. Persons making a written *ex parte* presentation to the Commissioners or Commission employees must file the written presentation with the Commission Secretary no later than the next business day after the presentation. 47 C.F.R. § 1.1206(b)(1). Persons making oral *ex parte* presentations must file a summary of the presentation and deliver copies to the Commissioners or Commission employees involved with the presentation no later than the next business day after the presentation. 47 C.F.R. § 1.1206(b)(2). All *ex parte* filings must be clearly labeled as such and must reference the DA number of this Public Notice, DA 03-2061.

¹ FCC File No. 0001116979 (filed Dec. 10, 2002, as amended on March 31, 2003, and April 30, 2003).

An original and two copies of all *ex parte* memoranda must be filed with the Commission's Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-325, Washington, D.C., 20554, in accordance with section 1.1206(b)(1) of the Commission's rules, 47 C.F.R. § 1.1206(b)(1). In addition, one copy of each *ex parte* memoranda should be delivered to each of the following locations: (1) Qualex International, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 863-2893; (2) Thomas Eng, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, Policy and Rules Branch, 445 12th Street, S.W., Room 4-B512, Washington, D.C. 20554; (3) Maria Ringold, Federal Communications Commission, Consumer and Governmental Affairs Bureau, Reference Information Center, 445 12th Street, S.W., Room CY-B529, Washington, D.C. 20554;² (4) Russell H. Fox, Esq., (Counsel for El Segundo), Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., 701 Pennsylvania Ave., N.W., Washington D.C. 20004-2608; and (5) Audrey P. Rasmussen, Esq. (Counsel for Paging Systems, Inc.), Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., 1120 20th St., N.W., Suite 700, North Building, Washington, D.C. 20036-3406.

The full text of the Application and associated waiver request, and subsequently filed documents in this matter may be obtained from the Commission's duplicating contractor, Qualex, International. The documents also are available for public inspection and copying during normal business hours in the Commission's Reference Information Center of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th St., S.W., Room CY-A257, Washington, D.C. 20554.

For further information, contact Ms. Joy Alford of the Policy and Rules Branch of the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau at (202) 418-0694, TTY (202) 418-7233, or via e-mail at jalford@fcc.gov

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

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² The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. *See* FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).